

FILED

2019 OCT 11 AM 10:40

UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN

for the

District of

Division

Case No.

(to be filled in by the Clerk's Office)

Autumn Renae Shallenberger

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☐ Yes ☐ No

CoreCivic

Trousdale Turner Correctional Center

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Autumn Shallenberger

Street Address

285 Iris Drive

City and County

Hendersonville, Sumner County

State and Zip Code

Tennessee 37075

Telephone Number

615-568-8292

E-mail Address

autumnrenae86@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

Corecivic Trousdale Turner Correctional Center  
140 Macon way  
Hartsville, Trousdale  
Tennessee 37074  
615-808-0400

Defendant No. 2

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

Defendant No. 3

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

Defendant No. 4

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	CoreCivic- Trousdale Turner Correctional Center
Street Address	140 Malon Way
City and County	Hartsville, Trousdale
State and Zip Code	Tennessee 37074
Telephone Number	615- 808 - 0400

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to (check all that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

☐ Other federal law (specify the federal law):

☒ Relevant state law (specify, if known):

TCA 4-21-401

☐ Relevant city or county law (specify, if known):

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: \_\_\_\_\_

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

December 7<sup>th</sup>, 2016, December 30, 2016

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race \_\_\_\_\_
- ☐ color \_\_\_\_\_
- ☒ gender/sex being female
- ☐ religion \_\_\_\_\_
- ☐ national origin \_\_\_\_\_
- ☐ age *(year of birth)* \_\_\_\_\_ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* \_\_\_\_\_

E. The facts of my case are as follows. Attach additional pages if needed.

see attached

EEOC Charge No.: 494-2017-00955  
THRC # 1-272-17  
Shallenberger v. CoreCivic of Tennessee, LLC

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

December 30, 2016

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) August 2, 2019

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff requests damages to start on dismissal date of December 28, 2016 and continue until date complaint is closed. (Entitled back pay of approximately \$44,000 per year) as well as compensation for humiliation, mental and physical pain and anguish, stress, and defamation of character caused by the discriminatory act. Plaintiff also requests her name be cleared of any wrongdoing. Included in \$10,000 is loss of property.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9-25-19

Signature of Plaintiff

Printed Name of Plaintiff

Reneae  
Autumn Reneae Shallenberger

B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

page 1

On December 7<sup>th</sup>, 2016 I returned to work from my vacation. Upon reaching my office, I saw that it had been destroyed. I noticed my radio was missing and I was concerned as to why my office had been torn apart. → continued next page



Continued PG. 1

asked the Correctional Officer and the inmates in my pod what happened and I was told that a fellow Co-worker had told the S.O.R.T team that they I had cell phones in my office, so they searched it. Of course, they did not find cell phones but did confiscate my radio and power source. I was upset because I had brought the radio after asking permission to have it. It had been run through the image metal detector and searched at check point, and I had been allowed to have it. I found Investigator Mendenhall when looking for my radio and he asked to speak with me in his office with Sgt Peterson. They pulled out a confidential file with pictures of my radio and asked if it was mine. I had used the label maker the company had to put my name on it and I confirmed it was mine. He then questioned me on the power cords. He told me that the radio was considered contraband. I explained I had asked if I could have it and that they had searched it and let me have it and he told me that regardless I could not have it and he would need to search my car for contraband. I told him that he had no reason to search my car and that contraband would not be found because anything in my car outside of the institution would not be considered contraband. He informed me that I could say no but I told him I had nothing to hide and it would just make me look guilty if I refused. I informed him that my personal weapon was in my vehicle behind two locks and that I had birthday cards signed by my pod as the only institution based item in my vehicle. They told me that I was not allowed the cards and I explained I did not see the difference between a group of students signing a card for their favorite teacher and the cards I received but told them they could take the cards and I assured them that it was my first job in corrections and I realized my mistake and it would not happen again. I also explained to them that the one anonymous card signed "Love you know who" I had found on vacation and had written an incident statement on regular paper that I had planned on putting on the correct form to turn in with the card today as I had turned in other inappropriate letters and reported phone calls in the past. They, Mendenhall



and Peterson said it was not necessary but they had to take the cards and that I was just being investigated for whether or not I maliciously brought contraband (the radio) into a penal institution. I told them I thought the incident statement was necessary and they brushed it off. I asked if they could please be discreet doing the search and going back inside as I already was having a hard time with people taking me seriously and I was humiliated already. Inside I was presented with "non-disciplinary administrative paid leave" paperwork and that if what I said about the radio was true I would be fine. I was crying because I told them people never come back from leave and explained how long and hard I had worked for the job and because I suffer from severe anxiety I began having a panic attack. They tried to call me down and escorted me out and took my badge. I went a month before I finally got a response to come in from Peaches Poole for December 30th, 2016 to meet with her and the Warden. I had previously called 3 to 5 times a day to try and get any information to no avail. On December 30th, I met with Ms. Poole and Warden Leibach. I was told I was receiving a PSN writup. I was upset because I had done what I was supposed to in relation to bringing the radio in, but tried to tell myself with no prior disciplinarys I would be OK. The Warden then told me that Chief Veal (my supervisors, supervisor) had recommended termination for a violation of ethics code and conduct, and he was going to uphold that recommendation. I began crying and told the Warden I did not understand why I was being fired because I was told I was being investigated for the radio and that's not a violation of ethics code and conduct. He told me that he knew nothing about a radio but I was being fired for a birthday card. I explained to him that I followed protocol with my incident statement about the card but was told that it would probably be a good idea

b. continued pg. 4

to attach that to my grievance and my appeal. I was incredibly upset and told them I had done nothing wrong and that if I was a male this would not be an issue. I asked if I could file my appeal and grievance and if I needed to contact my lawyer and I was told a lawyer wasn't going to be necessary and I should calm down before I wrote my appeal or grievance. I told them I knew how to be professional when writing my paper work and asked for my things I personally brought in/purchased for my office and asked for an escort to collect my items. They told me I needed to leave and I could wait in my car for my things. Around 5 minutes later I was brought a small box with around 1/4 of my items. I told Mary (the front desk HR Lady) she said she would return with more of my things. The warden came out next with nothing and told me that was everything and whatever I was missing I could send him an email and he would collect. I have returned three times (an hour and 4 minutes each way) and still do not have all of my things. One trip was after the pay period when I did not receive my pay. I was told by HR Brandi McKinney that my termination date was December 30th. She stated she had it as December 23rd. After proving they owed me 40 hours of pay plus my Christmas Holiday she stated I could come pick up my check but because I did not physically work the day before and after Christmas I would not get my holiday pay. I explained my paycheck shows I worked eight hours before and after Christmas and because I was employed and was not allowed to physically be present that I was owed the holiday and I was told to file a grievance. I have yet to receive my personal items or

Continued pg. 15

my 8 hours of holiday pay. I was told my appeal was going to take place 4 different weeks and as of February 5th, I have yet to receive an appeal or a date. I received separation paperwork a week ago in the mail. Since my termination I have had job offers until CoreCivic is contacted and then the offers are rescinded. Other females since my termination with no prior disciplinarys have also been terminated when the male counterparts with the same charges return to work with demotions as the highest punishment. I explained to the warden I looked past the unsafe working conditions, the inability to take breaks, unpaid holidays, understaffing, overloaded case load, and added positions/work with no pay increases, as well as broken laws in relation to inmate and worker rights, discrimination and more. I told them I stayed because I wanted to be part of the solution, not the problem but they cannot treat people this way. I fear that the safety of my coworkers is in jeopardy and that of the inmates. The rules and regulations that are supposed to protect peoples rights are being overlooked and violated even when it is brought to the "higher ups" attention. I am not the only white female who has been terminated for what should be a write up or a verbal warning. I told the warden I had personally witnessed officers abandon posts mid-shift, quit, and get to return to work. How I was treated was unreasonable and at least 5 other white females have been done the same way since my termination. I am still awaiting an appeal to clear my name at least and I am still trying to find a job in my field. Male former co-worker have been blocked after sexual harassment incidences in relation to my termination.

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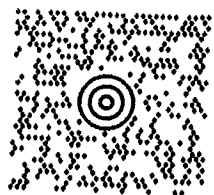
U.S. DISTRICT COURT  
MIDDLE DISTRICT

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